

**MINUTES OF A REGULAR MEETING OF THE
RESOURCE CONSERVATION COMMISSION**

March 15, 2004

Ken Lee Building Conference Room
430 "F" Street

MEETING CALLED TO ORDER by Chair Teresa Thomas at 6:04 p.m.

ROLL CALL/MOTION TO EXCUSE

MSC (Reid/Bensoussan) to excuse Commissioner Juan Diaz. **Vote:** (5-0-0-1)
with Chávez absent.

MEMBERS PRESENT: Chair Teresa Thomas, Vice-Chair Doug Reid,
Commissioners Pamela Bensoussan, Stanley Jasek, Tracy
Means and John Chávez (6:09)

STAFF PRESENT: Marilyn Pongeggi, Environmental Review Coordinator
Paul Hellman, Environmental Projects Manager
Maria Muett, Associate Planner
Lynn France, Conservation Coordinator
Linda Bond, Recording Secretary

OTHERS PRESENT: Gabriel Solmer, San Diego Baykeeper
Laura Hunter, Environmental Health Coalition
Yung Chang, IS-04-016 applicant

APPROVAL OF MINUTES: February 2 and 16, 2004

February 2, 2004 Minutes

MSC (Jasek/Reid) to approve the minutes of February 2, 2004. **Vote:** (4-0-1-2)
with Bensoussan abstaining and Diaz and Chávez absent.

February 16, 2004 Minutes

MSC (Jasek/Reid) to approve the minutes of February 16, 2004. **Vote:** (4-0-1-2)
with Bensoussan abstaining and Diaz and Chávez absent.

ORAL COMMUNICATIONS: None.

OLD BUSINESS

1. September 15, 2003 Minutes

Ms. Marilyn Pongeggi (*Environmental Review Coordinator*) stated that the RCC made revisions to these verbatim minutes. The Attorney's Office has advised that changes cannot be made to verbatim minutes. Ms. Pongeggi and Ms. Linda Bond (*Recording Secretary*) listened to the portions of the tape questioned by the RCC. Corrections were made to the minutes where it could be confirmed by listening to the tape that an error had been made. The corrections are denoted by strikeout/underline.

Commission Comments

Chair Thomas asked if summary minutes could be prepared and if the RCCs verbatim comments could be included in the EIR. Ms. Pongeggi stated that, because the RCC requested verbatim minutes and had already approved them, summary minutes could not be prepared at this point.

Commissioner Bensoussan pointed out two typos, which would be corrected.

Chair Thomas requested that she and Commissioner Bensoussan receive copies of Final EIR-04-01.

2. Environmentalist of the Year and Historic Preservationist of the Year Proclamations

Chair Thomas handed out both proclamations and read the proclamation for Pamela Bensoussan as Historic Preservationist of the Year.

Staff and Commissioners recommended corrections to the proclamation.

MSC (Means/Thomas) to adopt the proclamation for Pamela Bensoussan as Historic Preservationist of the Year. **Vote:** (5-0-1-1) with Bensoussan abstaining and Diaz absent.

Chair Thomas stated that if any revisions to Michael Meacham's proclamation as Environmentalist of the Year are necessary, Ms. Bond could make such revisions. If substantial changes are necessary, Chair Thomas asked that this item be brought back to the RCC for discussion during their next meeting.

MSC (Reid/Jasek) to adopt the proclamation for Michael Meacham as Environmentalist of the Year. **Vote:** (6-0-0-1) with Diaz absent.

3. Proposed Revisions to the Environmental Review Procedures of the City of Chula Vista

Mr. Paul Hellman (*Environmental Projects Manager*) reported that this item was first discussed at the February 2, 2004 RCC meeting. There was a request at that time to provide a better description of the current EIR public review process. In response to that request, Mr. Hellman prepared a flowchart, which he handed out at the February 16, 2004 RCC meeting. The flowchart illustrates the public review process for a typical EIR. The only difference in the process that would result from the proposed revisions would be the elimination of the public hearing to close public review.

Commissioner Bensoussan asked if, in place of this public hearing, it could be made known to people that they have the opportunity to provide comments at the time of the RCCs consideration of the EIR? Ms. Pongeggi indicated that the RCC does not have the authority to hold noticed public hearings.

Mr. Hellman stated that, although several revisions are proposed, this particular revision was the only one that the RCC seemed to be opposed to. This item was continued in order to let members of the public have a chance to attend the meeting and participate in the discussion.

Chair Thomas requested that all references to the word “may” be changed to “shall” in the Procedures. Ms. Pongeggi pointed out that that is not a part of the proposed amendment. She suggested that, if Chair Thomas wanted to make that a part of a future amendment, it could be included in whatever action the RCC took.

Commissioner Chávez also had difficulty with the word “may” because, if the Planning Commission hearing is eliminated, then it makes the RCC hearing optional, then there is no public hearing. There is public notice; there is a public comment period, but there is no gathering where the public may input their information. The draft hearing that is being eliminated is the hearing that has the most teeth in it as far as the public is concerned with regard to the EIR process. The draft hearing is as important if not more important than the final EIR hearing.

Ms. Gabriel Solmer (*San Diego Baykeeper, 2924 Emerson Street, San Diego, CA 92106*) presented her analysis of the proposed changes and her concerns. She recommended that, when there is significant public input, there is time to incorporate those comments in whatever form is chosen. She encouraged the retention of the public hearing to close public review.

Ms. Laura Hunter (*Environmental Health Coalition, 1717 Kettner Blvd., Suite 100, San Diego, CA 92101*) stated that the City's current procedures go above and beyond the minimum public review requirements of CEQA and suggested that the current process be retained. She stated that, although it may be easier for staff to respond to written comments, it is not easier for all members of the public to prepare written comments. She stated that she is very concerned about the potential

elimination of a public hearing prior to final action on a project. She stated that she does not want public participation reduced or the elimination of the acceptance of oral comments on draft EIRs.

Committee Comments

Chair Thomas questioned the 45-day review period for draft EIRs. She requested that it be stated as 45 business days not calendar days. Ms. Pongseggi stated that Chair Thomas could make that recommendation, but informed her that the public review periods specified under CEQA are based on calendar days not business days.

Commissioner Chávez stated that he supported streamlining the process where appropriate; however, he felt that the proposed elimination of the only public hearing the public has to provide input that must be responded to is an overreaction.

MSC (Chávez/Reid) that the RCC recommend that the City Council not adopt the proposed revisions based upon the lack of a requirement under the adopted and proposed procedures for the RCC to review and make recommendations on the adequacy of all draft EIRs and the elimination of the opportunity for the public to provide oral comments on draft EIRs, but not solely for those reasons. **Vote:** (6-0-0-1) with Diaz absent.

NEW BUSINESS

4. IS-04-016 – Rodeway Inn Expansion, 772 & 778 Broadway

Ms. Maria Muett (*Associate Planner*) reported that the 0.99-acre project site is comprised of two parcels. Each is developed with individual hotels, one is currently in operation (Rodeway Inn) and one is not (Moana Court Hotel). The proposed project includes the demolition of the vacant Moana Court Hotel, the addition of 22 new guest units, 71 parking spaces, landscaping and 6- to 9-foot high masonry walls. Issues of concern were aesthetics and hazardous materials. Because of security concerns, the applicant has agreed to construct a 9-foot masonry wall along the western property line between the proposed project and single-family residences. The hotel to be demolished potentially contains asbestos and lead-based paint, which could be released if not properly abated. This has been mitigated through a mitigation measure that will require a licensed and registered contractor to perform the work if the presence of these two components is determined.

MSC (Chávez/Reid) that the RCC determine that the Initial Study is adequate and recommend that the Mitigated Negative Declaration be adopted. **Vote:** (6-0-0-1) with Diaz absent.

5. Multi-Family Recycling Program

Ms. Lynn France (*Conservation Coordinator*) reported that, given the success of the single-family residential single-stream recycling program, staff proposes to extend this program to multi-family residential developments. The City and Pacific Waste have been working out the details. The program rollout would include public education materials and resident meetings. Ms. France brought this item before the RCC to see if they had any questions or comments before this program is taken forward for City Council consideration.

MSC (Reid/Means) to recommend and support the multi-family residential single-stream recycling program. **Vote:** (6-0-0-1) with Diaz absent.

ENVIRONMENTAL REVIEW COORDINATOR COMMENTS

November 17, 2003 Minutes

Ms. Ponseggi stated that the RCC had asked for clarification as to what was said about the Sister Cities monument. These minutes had been approved pending staff going back and listening to what was said. Ms. Bond listened to the tape, and the only references that were made to the Sister Cities monument are the two underlined paragraphs that have been included in the minutes.

Ms. Ponseggi distributed copies of the "RCC Traffic Workshop" presentation that the Engineering Division had presented to the RCC at their December 1, 2003 meeting.

CHAIR COMMENTS

Chair Thomas asked for clarification regarding the protocol for public notification of Growth Management Oversight Commission meetings. She noted that the meeting tomorrow night is with the Growth Management Oversight Commission and Sweetwater Union High School District. Ms. Ponseggi stated that the meeting is probably a School Task Force meeting. She suggested that Chair Thomas contact Dan Forster (*Senior Planner*) who might be able to tell her more about that.

Chair Thomas felt the City needs a better system in letting the public know ahead of time when public meetings are going to be held. Ms. Ponseggi indicated that the posting of meeting notices on the City's website is in the process of being put in place.

COMMISSIONER COMMENTS

Commissioner Bensoussan attended a workshop where a portion of the presentation was on the Western Salt Works. EDAW prepared an impact study for CalTrans that found the Salt Works to be a historically significant industrial cultural landscape. Fourteen different features of the Salt Works complex were isolated, and EDAW found that 10 of those features were historically significant as an industrial cultural landscape.

Commissioner Bensoussan stated that a copy of the study had been sent to Ms. Lynnette Tessitore-Lopez (*Associate Planner*).

Commissioner Chávez updated the RCC on the South Bay Power Plant presentation. The Environmental Health Coalition person had a death in his family and had been away for a while. Commissioner Chávez would coordinate with him over the next week or so. Ms. Pongeggi indicated that, if he were looking to put this item on the April 5th agenda, it would be the only item. If not, staff would probably cancel that meeting.

Commissioner Means and Chair Thomas indicated that they would not be able to attend the April 5th RCC meeting. Ms. Pongeggi asked if the Commissioners wanted to cancel the meeting for April 5, 2004. They agreed by common consent.

Commissioner Chávez indicated that he would work toward scheduling the workshop for the April 19, 2004 RCC meeting. Ms. Pongeggi asked Commissioner Chávez to let her know if that was going to be the date for the workshop so that she could move the RCC meeting to a larger conference room.

ADJOURNMENT: Chair Thomas adjourned the meeting at 7:52 p.m. to a regular meeting on Monday, April 19, 2004, at 6:00 p.m. in the Ken Lee Building Conference Room, 430 "F" Street, Chula Vista, CA 91910.

Prepared by:

Linda Bond, Recording Secretary